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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,072	01/04/2002	Atsushi Masuda	9281-4242	7988

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EXAMINER

GONZALEZ, JULIO C

ART UNIT

PAPER NUMBER

2834

4

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/038,072	MASUDA, ATSUSHI
	Examiner	Art Unit
	Julio C. Gonzalez	2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 and 9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> .	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 07/28/1999. It is noted, however, that applicant has not filed a certified copy of the Japan 11-213228 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, what is meant by the spacer been disposed on the flange "independently" of the shaft supporter and the flange? What is meant specifically by the spacer been independent?

Also, the spacer is disclosed to have an "inclined" surface? Does the word "inclined" means that the spacer is above the base or that the spacer has a slanted surface?

In claim 2, which is the "inclined upper surface of the flange"? Is it a slanted surface or the top surface of the flange?

In order to advance prosecution in the merits, the Prior Art will be applied as best understood by the examiner.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakuragi et al in view of Oku.

Sakuragi et al discloses a motor device comprising a base, a bearing unit (see figure 1), a core unit 6 including cores which extend from the bearing unit, a shaft comprising two ends, a shaft supporter having a cylindrical shaft (see figure 1) which rotatably supports the rotational shaft supporter along the upper face of the base. Also, Sakuragi discloses a positioning member fixed on the base (see figure 3) and a supporting member 9a formed integrally with the positioning member and extending along the upper face of the base.

However, Sakuragi et al does not disclose a flange having an inclined upper surface.

On the other hand, Oku discloses for the purpose of reducing the mis-alignment due to tilting of a rotor, a flange 110 having an upper inclined surface with respect to the bottom surface of the base (see figure 12).

Sakuragi et al and Oku teach inherently that the bearings may be made of metal since it is commonly known in the art that bearings are made of metals.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a motor as disclosed by Sakuragi and to modify the

invention by using a flange with an inclined surface for the purpose of reducing the misalignment due to tilting of a rotor as disclosed by Oku.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakuragi et al and Oku as applied to claim 3 above, and further in view of Matsushima.

The combined motor device discloses all of the limitations above. However, the combined motor device does not disclose using a positioning device.

On the other hand, Matsushima discloses for the purpose of reducing the unbalanced centrifugal force of a shaft, a positioning device 3, which has a collar (see figure 7) and the positioning member is inserted through the core unit 4 and the base 1 (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined motor as disclosed above and to modify the invention by placing a positioning device through the core unit for the purpose of reducing the unbalanced centrifugal force of a shaft as disclosed by Matsushima.

#### ***Allowable Subject Matter***

7. Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

**Other**

8. In regards to claims 7 and 8, the method of making the device is not germane to the issue of patentability of the device itself. Therefore this limitation has not been given patentable weight and will not be considered.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is (703) 305-1563. The examiner can normally be reached on M-F (8AM-5PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



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Jcg

April 20, 2002